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**Draft Environmental Impact Report Comments Triangle Ranch Project,
Tentative Tract Map No. 52419
Project No. 97-178**

Dear Ms. Tran:

The Santa Monica Mountains Conservancy (Conservancy) offers the following comments on the Draft Environmental Impact Report (DEIR) for the proposed Triangle Ranch project located on 320 acres at the eastern end of Lady Face Mountain in the Medea Creek watershed. The comments in this letter expand upon the Conservancy's comments in a January 19, 1999 letter for the Live Oak Ranch project at the same location, and in a July 27, 2004 letter on the Notice of Preparation for this project.

The DEIR states that the currently proposed project would result in unavoidable significant impacts to biological resources and visual resources, even after implementation of mitigation. For this reason, a meaningful alternative must be presented in the Final Environmental Impact Report (FEIR) that modifies the project to provide additional avoidance of biological and visual resources. Also, it is critical that the FEIR incorporate into the proposed project, and all alternatives, the requirement that any ungraded open space areas be dedicated in fee title to an appropriate public entity capable of managing open space for resource protection and recreational use. Long-term management of the open space by the homeowners' association does not provide the assurance that the open space will be preserved and managed adequately in perpetuity.

The Conservancy also emphasizes that although a project may be consistent with the number of housing units as prescribed by the Santa Monica Mountains North Area Plan, it is ultimately the project footprint that has direct bearing on the degree of environmental impacts, specifically related to biological resources. The project may be consistent with the

number of units prescribed by the North Area Plan and slope density formula (DEIR, p. III.K-4). Notably, however, the project is inconsistent with 24 goals and policies of the North Area Plan (DEIR, pp. III.K-13 to 38), ultimately rendering the project overall inconsistent with this plan. Why should a project applicant have a “right” to develop the maximum number of units, when the project would (1) be overwhelmingly inconsistent with numerous other aspects to that plan and (2) result in multiple unavoidable significant impacts. A large open space dedication offsets some habitat impacts, but in no way automatically makes sense out a proposed project that is incompatible with a site’s terrain and natural resources. The discussion of project alternatives must focus on the area of impact as much as it does the number of units.

A flaw of the North Area Plan is that the direct impacts of a unit are not at all defined. The North Area Plan does not provide specific "flat pad sizes" by right per "unit." The spatial impact range of a unit (house and landscaping) can range from 7,500 square feet to 2.5 acres in nearby Santa Monica Mountains subdivisions. If there are extensive equestrian facilities, orchards, or vineyards, then the footprint impact can exceed 10 acres per unit. If the applicant’s project objective includes “per unit disturbance footprints” that far exceed the enumerated constraints of the land, that should be the applicant’s dilemma. Market conditions that define maximum profits for the applicant via lots and pads of a certain size should not determine the final project footprint.

Regional Significance of Project Site

The subject property is the dominant ownership within a major gateway to the Santa Monica Mountains National Recreation Area. Existing residential development in some areas in the vicinity does not eliminate this role of the property. The project areas on both sides of Kanan Road provide wildlife habitat that is integral to 1,000-plus-acre blocks of roadless (paved) habitat. Thus, the project provides an important, and continually eroding, east-west habitat linkage network across Kanan Road. A review of an aerial photograph of the area clearly depicts this open space connection. The DEIR inference that two-lane roads eliminate wildlife movement is counteracted by reams of tracking data.

As part of the Malibu Creek watershed, runoff from the site has a direct impact on water quality within the Malibu Creek aquatic communities, including the steelhead trout fishery. The site also contains the two easternmost known populations of the State and federally-listed Lyon’s pentachaeta wildflower.

According to the DEIR (p. III.I-1), the most dramatic feature of the project site is Ladyface Mountain, which forms the western portion of the project site. The project site located between Kanan Road and Cornell Road supports Medea Creek, which is a perennial creek supporting a willow riparian forest and an important wildlife corridor (DEIR, p. III.F-17). The project site east of Cornell Road is contained within Los Angeles County's Significant Ecological Area (SEA) # 6 (Figure II-9). In addition, the Santa Monica Mountains North Area Plan identifies Kanan/Dume Road as a particularly significant scenic route and considers Cornell Road as "with scenic qualities" (DEIR, p. III.I-6).

The primary public policy objective to be pursued in this both ecologically and visually sensitive area should be to maximize the preservation of open space, key ecological resources, and primary viewsheds. This gateway to the Santa Monica Mountains is an integral element of the Public Trust.

Summary of Project Description and Impacts

The project consists of the subdivision of the 320.3-acre project site into 81 single-family residential lots, four landscape lots, and five open space lots. The development area would be confined to approximately 48.6 acres, with retention of approximately 271.7 acres of open space (p. S-1). Of this 271.7 acres of open space, approximately 260 acres would remain natural and in an undisturbed condition (p. S-20), with approximately 10 acres of fuel modification and one acre for a trail.

The project would result in significant unavoidable environmental impacts relative to biological resources (Lyon's pentachaeta, Santa Monica Mountains dudleya, loss of habitat for sensitive species, encroachment into SEA), visual qualities (i.e., scenic vistas, scenic resources, and visual character), and other environmental resources, even after implementation of mitigation (pp. S-2, S-17, S-19).

Need for a "Full Habitat Linkage/Wildlife Corridor, Sensitive Species Avoidance, and Riparian Buffer" Alternative Project

There can be no public policy objective that justifies the approval of the currently proposed project, given the number and extent of significant impacts to environmental resources that would result, even after implementation of mitigation. Some of the project components and mitigation measures are valuable and should be implemented to help reduce significant impacts to environmental resources (e.g., lighting restrictions, native landscaping). However, the basic issue is that without a reduction in the project footprint, the effects are

not mitigated to a less than significant level. The Conservancy recommends an alternative be considered in the FEIR that provides a full east-west habitat linkage/wildlife corridor, avoidance of impacts to sensitive plant species, and inclusion of adequate riparian buffers. Specifically, the Conservancy recommends a modified version of Alternative 4 presented in the DEIR.

Alternative 4 consists of a reduced project footprint, with a total of 44 lots. Alternative 4 would avoid nearly all areas where Lyon's pentachaeta are found onsite, although fuel modification impacts may occur (p. v-38, 39). Impacts to Santa Monica Mountains dudleya are eliminated. This alternative reduces impacts to tributary M, east of Kanan Road. Visual impacts from Kanan Road and Cornell Road are also reduced.

The Conservancy recommends that the project footprint shown in Alternative 4 between Kanan Road and Cornell Road be reduced or eliminated. Although Alternative 4 has reduced the number of units in this area from 10 to six homes, the footprint is only minimally reduced. This area is particularly important because it provides an east-west wildlife movement/habitat linkage, because it allows north-south wildlife movement, and because of the presence of the rich riparian habitat in Medea Creek. This area is also key for the viewsheds along Kanan Road and Cornell Road. Really any homes in this area would result in unacceptable viewshed impacts.

If any units are permitted in this area between Kanan Road and Cornell Road, the development must be centered on the plateau and clustered more towards Kanan Road. The footprint should be located outside of the 50-foot flood hazard setback from Medea Creek capital floodplain boundary. (The currently proposed project is within the required 50-foot flood hazard setback from Medea Creek capital floodplain boundary [p. III.K-14].) Buffers on the order of 200 feet to riparian habitat are preferable to assure the protection of those riparian resources. The FEIR should clearly state how far the edge of the direct development disturbance footprint (including fences and lights) will be from the edge of the riparian habitat in Medea Creek. The Conservancy recommends that the County only approve a project on the order of the magnitude of this modified Alternative 4.

The DEIR (p. v-43) states that Alternative 4 would not meet the applicant's goal of developing 81 homes. In this case, let the applicant build 81 homes in the footprint described by our above-recommended footprint. The DEIR also states that the Santa Monica Mountains Conservancy Alternative (from the Conservancy's January 19, 1999 letter) was rejected because it failed to achieve some of the project objectives. The FEIR should clarify which objectives were not met under the Conservancy's recommended

alternative.

If the FEIR analysis rejects any environmentally superior alternatives as economically infeasible, that analysis must also specifically define the threshold that in turn would make each of these reduced projects feasible. If the environmentally superior alternative in the FEIR is not designed to be feasible by the applicant, the FEIR analysis should specifically state what changes would have to be made to that alternative to make it “feasible.” Some threshold point of economic feasibility must exist between the proposed project and the environmentally superior alternative. That threshold is arbitrary unless supported by a project-specific independent economic analysis, with clear statements of the assumptions used in the analysis. Any other conclusion by the County is flawed based on total absence of data.

Need for Open Space Dedication and Management Funding

The DEIR states that the project proposes the permanent retention of the open space to be maintained by the homeowners’ association (HOA) and/or dedicated to a public agency acceptable to the County of Los Angeles (p. s-2). Long-term management of the open space by the HOA does not provide the assurance that the open space will be preserved and managed adequately in perpetuity. Homeowners’ associations often have multiple objectives that may conflict with and trump the goal of preservation of the biological resources of the site, and the HOA may not have the expertise (e.g., biological) to manage the site. All FEIR development alternatives and the preferred alternative must also include a fee title dedication of all remaining open space outside of fuel modification zones to an appropriate public entity capable of managing open space for resource protection and recreational use. The Mountains Recreation and Conservation Authority (MRCA), the Conservancy’s joint powers partner, would be an appropriate entity to accept this dedication. The landscape lots (shown on Figure I-6), however, should be dedicated to the HOA. All fuel modification zones should also have a conservation easement placed over them to prevent future encroachment. Such easements should be in the favor of both the County and the park agency holding title to the open space.

The following prohibited uses in the dedicated open space should be added to the existing list (DEIR, p. III.F-47): development, structures, roads, grading, mineral extraction, grazing, vineyards, agricultural operations, planting of non-native vegetation, fencing (other than used for habitat restoration), lighting, fuel modification, and utilities (other than what is allowed under current utility easements). The FEIR should specify that allowed uses in this dedicated open space include trails (no greater than four-feet-wide) and habitat restoration.

The edge effects of a large, new subdivision with a large public open space dedication at the suburban interface warrants ranger patrol and ecological stewardship by a public agency. An annual contribution of \$10,000 (with an inflation adjustor) would be necessary to adequately maintain any proposed open space dedication on the subject property. Two mechanisms to provide this maintenance funding include a non-wasting endowment set up by the developer over a specific period of time or a property assessment. To our knowledge, a Community Facilities District (CFD) is the optimal method for such a funding source. The Conservancy's joint powers entity, the MRCA, can be the entity that forms, administers, and benefits from the CFD. Such a CFD should also fund the recommended annual payment to manage the Lyon's pentachaeta, in addition to the \$10,000 annual open space management budget.

This letter officially notifies the County that the Conservancy, or the MRCA would accept the open space dedication from a project approved on this property if it is accompanied by the above identified permanent maintenance funding.

Land Use Impacts

The DEIR demonstrates that the project is inconsistent with 24 goals and policies of the Santa Monica Mountains North Area Plan (pp. III.K-13 to 38), and it is incompatible with several SEA Compatibility Criteria (p. s-30). The DEIR states that these impacts would be reduced to a less-than-significant level by the project's approval of the Regional Planning Commission. The Conservancy respectfully disagrees with the conclusion in the DEIR that the approval by the Planning Commission constitutes mitigation that would reduce the level of those impacts to less than significant, no matter how many times the Regional Planning Commission voted. The inconsistencies/incompatibilities would remain. The project should be modified to reduce the level of those impacts. The FEIR must also clearly state which land use impacts would not be reduced to a less than significant level.

Other Comments

The Conservancy supports the idea of providing a Zuma Ridge Trail dedication as part of the project. However, some issues need to be resolved in the FEIR. The FEIR must assess the impacts to Medea Creek from construction of the trail. If those impacts are significant, alternative alignments should be proposed, without the trail being directly next to the traffic along Kanan Road. The FEIR must explain where the trail would connect to existing trails.

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All FEIR development alternatives that include more than 20 units should require the applicant to construct the trail, rather than have the public entity accepting the trail absorb those costs on behalf of the developer.

All springs or seeps on the project site (e.g., on the project site west of Kanan Road, near lots 17 and 18) should be identified in the FEIR.

The FEIR should include the County's permanent deed restriction of Caleta Road as part of the project, or a requirement for a conservation easement over this unbuilt road easement.

In summary, the Conservancy stresses that the FEIR must include a modified Alternative 4, to reduce significant biological and visual impacts. The FEIR must require that the project and all alternatives include a fee title open space deed to an appropriate public entity capable of managing open space for resource protection and recreational use, such as MRCA. Please direct any questions and future documentation to Judi Tamasi of our staff at the address on this letterhead or by phone at (310) 589-3200 ext. 121.

Sincerely,

ELIZABETH A. CHEADLE
Chairperson